

REMARKS

Twenty five claims are pending in this case and all claims were rejected in the above-referenced office action.

In paragraph 2 of the office action, the Examiner provisionally rejected claims 1-25 under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-49 of copending Application No. 08/856,546. In response to this rejection, and without prejudice to any right of applicant to traverse such rejection or the basis therefor in this or any related case, applicant submits herewith a terminal disclaimer. As set forth at MPEP 804.02 II, "A rejection based on a nonstatutory type of double patenting can be avoided by filing a terminal disclaimer in the application of proceeding in which the rejection is made." (citing authority) As further set forth at MPEP 804.02 II, "The filing of a terminal disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection." (citing *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ 2d 1392 (Fed. Cir. 1991)).

An additional fee of \$110 is due and enclosed for filing the terminal disclaimer, as calculated on the accompanying form 1083.

Applicant believes that this application is now in condition for allowance of all claims herein, claims 1-25 as amended, and therefore an early Notice of Allowance is respectfully requested. If the Examiner disagrees or believes that for any other reason, direct contact with applicant's attorney would help advance the prosecution of this case to finality, she is invited to telephone the undersigned at the number given below.

Respectfully submitted,
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